

CHAPTER 421

S.B. No. 1387

AN ACT

relating to handling protest payments of taxes imposed on certain types of insurance business.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (b) and (c), Section 112.058, Tax Code, are amended to read as follows:

(b) A protest payment relating to each tax imposed by Articles 1.14-1, 1.14-2, 4.10, 4.11, 14.42, 21.46, and 23.08, Insurance Code, or by Section 28, Article 8306, Revised Statutes, or by Section 33, Texas Health Maintenance Organization Act (Article 20A-33, Vernon's Texas Insurance Code), shall be handled as follows:

~~(1) [All protest payments that were made pursuant to requirements for the quarterly prepayment of premium tax due on March 1, 1985, and that are presently in the suspense account or that are subsequently paid shall be immediately transferred to the General Revenue Fund.]~~

~~[(2) All protest payments that are made pursuant to requirements for the quarterly prepayment of premium tax due on May 15, 1985, which have been placed in the suspense account or that are subsequently paid shall be transferred to the General Revenue Fund.]~~

~~[(3) All protest payments made pursuant to requirements for the quarterly prepayment of premium tax due on August 15, 1985, which have been placed in the suspense account or that are subsequently paid shall be transferred to the General Revenue Fund.]~~

[(4)] All protest payments made pursuant to requirements for the quarterly prepayment of premium tax or pursuant to the requirements for annual premium tax that become due after August 15, 1985, but before November 15, 1989 [1987], shall not be placed in the suspense account, but shall immediately be deposited in the General Revenue Fund.

(2) [(5)] All protest payments made pursuant to requirements for the quarterly prepayment of premium tax or pursuant to the requirement for annual premium tax that become due on or after November 15, 1989 [1987], are governed by Subsection (a) of this section.

(3) [(6)] The State Board of Insurance shall keep detailed records of protest payments relating to the tax imposed by Articles 1.14-1, 1.14-2, 4.10, 4.11, 14.42, 21.46, and 23.08, Insurance Code, or by Section 28, Article 8306, Revised Statutes, or by Section 33, Texas Health Maintenance Organization Act (Article 20A-33, Vernon's Texas Insurance Code).

(c) Protest payments relating to the tax imposed by Articles 5.12, 5.24, 5.49, 5.68, 5.91, and 9.46 of the Insurance Code shall be handled as follows:

(1) All protest payments that are made pursuant to assessments for the calendar years [1985 and] 1986, 1987, and 1988 shall be immediately deposited in the State Treasury to the credit of the State Board of Insurance operating fund.

(2) All protest payments that are made pursuant to assessments for a calendar year after 1988 [1986] are governed by Subsection (a) of this section.

(3) The State Board of Insurance shall keep detailed records of protest payments relating to the tax imposed by Articles 5.12, 5.24, 5.49, 5.68, 5.91, and 9.46, Insurance Code.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 23, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 26, 1987, by a non-record vote.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.